

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CANDICE PASCHAL, et al.,

Plaintiffs,

v.

PERRY’S RESTAURANTS LTD d/b/a
PERRY’S STEAKHOUSE AND GRILLE,
et al.,

Defendants.

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1:22-CV-27-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendants Perry’s Restaurants, Ltd. d/b/a Perry’s Steakhouse and Grille and Christopher V. Perry’s (“Defendants”) Motion for Partial Summary Judgment, (Dkt. 151), and Plaintiffs Candice Paschal and Pedro Zarazua, Jr.’s, individually and on behalf of all others similarly situated, (“Plaintiffs”) Motion for Partial Summary Judgment, (Dkt. 161). (R. & R., Dkt. 176). Defendants timely filed objections to the report and recommendation. (Objs., Dkt. 179). Plaintiffs did not file objections to the report and recommendation.

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Defendants timely objected to the report and recommendation as to the grant of Plaintiffs’ Motion for Partial Summary Judgment, the Court reviews that part of the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Defendants’ objections and adopts the report and recommendation as its own order.

When no objections are timely filed, a district court can review the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Because no party has filed timely objections to the remainder of the Order, the Court reviews the rest of the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 176), is **ADOPTED**.

IT IS ORDERED that Defendants' Motion for Partial Summary Judgment on Plaintiffs' related side work claim, (Dkt. 151), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Partial Summary Judgment, (Dkt. 161), is **GRANTED IN PART** and **DENIED IN PART**. Plaintiffs' motion is **GRANTED** as to the illegal tip pool contribution claim as to the AM Bussers and **DENIED** as to all other employees due to material fact issues.

IT IS FINALLY ORDERED that the parties submit a proposed final judgment in accordance with this Order on or before **March 14, 2025**.

SIGNED on February 21, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE